

WE WANT TO HEAR FROM YOU!

Click on the gray bars to respond.

Did you attend the January 21 Code and Policy Update Workshop? ☐ Yes ☐ No

If so, was the workshop informative? ☐ Yes ☐ No

Did you feel that your concerns were heard and/or recorded? ☐ Yes ☐ No

1. What is currently working well with the ECA regulations? What is not working as well?

What is working well?

a. There is a process in place to ID environmentally critical area and try to protect them.

What is not working well? The process does not go far enough:

a. The Critical Urban Wildlife Habitat (Fish and Wildlife Conservation Areas) category. It is important that we recognize and manage habitat that serves urban wildlife for breeding, foraging and dispersal. Examples are greenspaces such as Kiwanis Wildlife Corridor and the Southwest Queen Anne Greenbelt, parks that include natural areas such as Seward and Discovery, undeveloped street ends and right-of-ways, wetlands, urban creeks -- especially those which empty into Puget Sound and which can furnish vital low-salinity waters at their mouths for migrating smolt salmon, and un-armored shoreline habitat such as that recently acquired by Groundswell Northwest. These habitat areas are being lost at breakneck speed as development of public lands continues. Adopt a "no net loss" of un-armored shoreline for Seattle's marine and fresh-water coasts. The Critical Areas Ordinance should include regulations which require expert review of native public lands which would be converted for purposes such as building construction or conversion to athletic fields.

b. Add a category for Native Landscape, existing or with restoration in process. These areas need to be protected and enhanced to keep them intact as a memory of our "roots" for future generations and to encourage removal of invasives there. Native Landscapes also serve important purposes in the City by retaining and re-charging groundwater, reducing heat, holding steep slopes, slowing rainfall to prevent fast runoff, etc. Arthur Lee Jacobson's book, "Wild Plants of Seattle," presents a list of 21 habitat types, some greatly modified by humans, others largely undisturbed, which occur in Seattle, with a list of commonly occurring plants for each. The Seattle Urban Nature Project has mapped a large number of these habitats already. Seattle also has areas in which rare plants grow and others where recently extirpated plants grew, areas that deserve special protection. The Department of Natural Resources "Natural Heritage Program" lists rare plants in various categories, and it can provide location information. The Washington Native Plant Society and the UW Center for Urban Horticulture's Rare Care program could assist in locating these plants and identifying them.

c. Develop a process for recognition and protection of Species of Local Importance (we know that this is under active consideration). The process should provide a framework for recognition and appropriate protection of species, such as salmonids breeding in tributaries of Lake Washington and Puget Sound, and the Great Blue Heron -- Seattle's official City Bird, as well as other species at risk. Such recognition should include specific regulations and guidelines for their protection incorporating protection of essential feeding, breeding and migratory habitats, using best available science. The Great Blue Herons living in Puget Sound and the Georgia Straits are non-migratory, and they require good foraging habitat such as shallow water eelgrass beds, year-round. Salmonids require appropriate protection and habitat while migrating up or down stream.

d. Provide a special way to cooperate with the Washington Department of Fish and Wildlife's Backyard Wildlife Habitat program for private property-owners such as is being utilized in Tukwila. This would encourage the use of native plant restorations in people's yards. Properties adjacent to urban creeks,

greenspaces and parks should receive special emphasis under this program, as they can serve as corridors for wildlife.

e. Provide the opportunity for broader protection than merely an arbitrary number of feet from wetlands, or riparian areas for example. Each time an arbitrary protection limit is stated, the regulation should also state "or be established in an appeal to an Environmental Critical Area Board." DPD should have not only a Design Review Board but also an Environmental Critical Area Board, both composed of trained experts in their field, working as volunteers. In situations where the Design Review Board and the Environmental Critical Area Board cannot resolve differences, a decision should be made by the Director of DPD.

f. Exceptions to CAO's are allowed much too frequently, according to speakers at the scoping session in January. Perhaps the discretion of managers to set the regulations aside should be narrowed greatly.

g. Public developers must follow the same environmental safeguards as private developers. Provision should be made for meaningful neighborhood input to decisions involving development of greenspaces and other un-altered public lands.

H. Revise the regulatory and enforcement response to violations, making it more expensive to violate than to make money by ignoring regulations or hiding infractions. Taking money in fines could pay for the incentives mentioned below.

1. What has been your experience with the ECA regulations (e.g., participated in the permit process, observed problems, etc.)? How have you been personally affected by the ECA regulations?
Experience with ECA regulations?

a. There is no counterpart for the Design Review Board to consider the environmental values of Environmental Critical Areas.

b. Single family residential development and other low-density developments apparently are not protected under Seattle's ECA regulations. No SEPA review is required. All developments that require cutting trees and digging in the soil should require a SEPA review.

c. Seattle's interpretation of its ECA regulations are inconsistent. Around Kiwanis Ravine various neighbors and developers have been given different rules regarding the colony of Great Blue Herons living there.

d. Kiwanis Ravine lost a beautiful 85-year old Western Red Cedar growing 6 feet from the lip of the ravine because the tree grew in a public alley and the developer needed to go through that deadend alley for access to his property. Had the tree been planted there (and not grown naturally), we understand the City could have protected it. All trees growing on public property deserve protection. Seattle's Exceptional Tree ordinance saves only outstanding trees -- not our urban forest, also worth retaining.

e. A developer near Kiwanis Ravine wanted to build a 4-story building on deep fill, immediately adjacent to a public alley also on deep fill overlooking the ravine -- an alley containing a public sewer line. The Design Review Board did not object to the developer building his foundation immediately adjacent to the alley or require the developer to have a buffer to protect the loose soil and sewer there. However, now the developer has the property up for sale, and we have heard an important reason is that he feels he cannot dig right next to the alley without it collapsing. Fill should require different rules than soil in its natural formation.

f. Many neighbors of Kiwanis Ravine have said that zoning in that area and others of the City should be reexamined and re-delineated, as zoning categories were developed some years back when environmental concerns were not as well known.

How have we personally been affected by ECA regulations?

a. As leaders within our groups.

1. How can we improve protection of critical area functions and values while allowing reasonable development opportunities?

The Growth Management Act encourages increased density within Seattle. That increased density should not be at the expense of Seattle's natural and environmentally critical areas. Today, these areas are in short supply! It is even more important to develop new ECA regs. that protect these areas of our city so that development does not disturb our streams and steep slopes. Protections of Environmental Critical Areas should swing development to buildable areas which won't compromise the City's wildlife habitats, wetlands and creeks, steep slopes, shorelines, etc.

2. How can incentives for property owners enhance protection of environmentally critical areas? What incentives should be available for ECA protection?

Incentives:

a. Private property rights shouldn't mean that a person can build to the full extent of his property's zoning -- if a person can afford it and if engineering can be developed to do it. There are economic AND environmental values in a property. The City needs an expanded system of Conservation Easements that provide more financial incentive than at present. In the case of that developer of the 4-story building on fill mentioned above, he could have been encouraged to dedicate the back of his property to a conservation easement.

b. Another type of incentive could be explored to pay private property holders to delay certain activities on their property if they are within the critical noise zones of Species of Local Importance. This would ensure that noise will not disturb these species during their critical nesting times -- and that some minimum remuneration would pay back the affected landowners for their inconvenience if having to schedule work some other time of the year. This should include using a chain-saw, etc. -- as well as making a change in a dwelling that requires a permit.

c. Make mitigations binding and all environmental requirements on a property be attached to deeds (not just permits). Consider grades of mitigation which would be commensurate with the value of the resource being lost.

(Optional) If you have questions about the Environmentally Critical Areas Update Process, please include your contact information:

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NOTE THAT THESE COMMENTS REPRESENT THE OPINIONS OF LEADERS OF TWO ORGANIZATIONS, BUT THEY WERE WRITTEN WITHOUT OPPORTUNITY OF A VOTE. WE INVITE ANYONE ELSE IN OUR ORGANIZATION TO ALSO SEND IN COMMENTS, ESPECIALLY IF THEY DO NOT CONCUR.

Please save an electronic copy of your completed form.

To return the form, attach the file to a new e-mail message addressed to Miles.Mayhew@seattle.gov
or print the form and FAX it (206) 233-7883, ATTN: Miles Mayhew.

Please return comments by Monday, February 2.